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FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 795 OF 2005
IN
FIRST APPEAL (ST.) NO. 26587 OF 2004.

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Shri K.S. Patil i/b P.N. Joshi for the applicant.

Shri A.R. Patil, AGP, for the respondent.

CORAM: R.M.S. KHANDEPARKAR &
ANOOP V. MOHTA, JJ.

DATED: 20TH JUNE, 2005.

P.C.:

. Heard learned Advocates for the appellant and respondent. Undisputedly, the appellant No.1 had expired during the pendency of the Reference before the Reference Court i.e. on 7th April, 2001. Appeal has been filed after disposal of the Reference by the Reference Court in the year 2004. Consequenlty, question of bringing legal heirs of respondent No.1 on record in terms of provision of law comprised under Order XXII does not arise. It would be a matter of filing an appeal by the legal representatives of the deceased appellant

No.1.

. Being so, the application will have to be allowed in terms of Order I Rule 10 of the Civil Procedure Code and is accordingly allowed. Legal representatives of appellant No.1 to be added as appellant Nos.1-a to 1-d. Necessary amendment to the cause title to be carried out within one week.

. Application accordingly stands disposed of.

[R.M.S. KHANDEPARKAR, J.]

[ANOOP V. MOHTA, J.]